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In re Application of :
Osse et al. :
Application No.: 10/509,826 :
PCT No.: PCT/US03/05107 :
Int. Filing Date: 20 February 2003 : DECISION
Priority Date: 20 February 2002 :
Attorney Docket No.: 43279.52.3 :
For: Venous Bi-Valve :
:

This is in response to the petition under 37 CFR 1.137(b) filed on 30 September 2004.

BACKGROUND

This international application was filed on 20 February 2003, claimed an earlier priority date of 20 February 2002, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 20 August 2004. This international application has become abandoned with respect to the national stage in the U.S. for failure to timely file the full required basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply in the form of the basic national fee was filed on 30 September 2004.

Regarding requirement (2), the petition fee was filed on 30 September 2004.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the

international filing date of this application is later than 8 June 1995.

Inspection of the declaration of the inventors filed on 30 September 2004 reveals that it has not been signed.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration in compliance with 37 CFR 1.497(a) and (b).



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